United Nations A/67/253–S/2012/594

General Assembly
Security Council

Distr.: General
6 August 2012

Original: English

General Assembly
Sixty-seventh session
Item 73 of the provisional agenda*
Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Security Council
Sixty-seventh year

Report of the International Criminal Tribunal for Rwanda

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and of the Security Council the seventeenth annual report of the International Criminal Tribunal for Rwanda, submitted by the President of the International Tribunal for Rwanda in accordance with article 32 of its statute (see Security Council resolution 955 (1994), annex), which states:

> The President of the International Tribunal for Rwanda shall submit an annual report of the International Tribunal for Rwanda to the Security Council and to the General Assembly.

* A/67/150.

12-45263 (E) 300812

Please recycle

Letter of transmittal

1 August 2012

I have the honour to submit the seventeenth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, dated 1 August 2012, to the General Assembly and the Security Council, pursuant to article 32 of the statute of the International Tribunal.

(*Signed*) Vagn **Joensen**
President

President of the General Assembly
United Nations
New York

President of the Security Council
United Nations
New York

Seventeenth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Summary

The present annual report outlines the activities of the International Criminal Tribunal for Rwanda for the period 1 July 2011 to 30 June 2012.

Over the last year, the Tribunal has continued its efforts to complete its remaining workload at the trial and appeals levels in the most expeditious manner possible. Despite continued challenges related to staff retention and recruitment, the Tribunal has made significant progress, delivering five trial judgements during the reporting period. One trial judgement involving one accused remains to be delivered. Completion of the first instance work is expected by the end of 2012.

The Appeals Chamber rendered seven judgements concerning eight persons, bringing the total number of persons whose judgements have been completed at the appellate level to 43. Completion of the appeals work is expected by the end of 2014.

The Office of the Prosecutor focused on tracking of fugitives, referral of cases to national jurisdictions and support for national authorities in the prosecution of crimes relating to the 1994 Rwandan genocide. Continuous support was also extended to Rwandan authorities to assist them in preparing for the transfer of cases from the Tribunal.

The Registry continued to provide a high level of administrative and judicial support to the Tribunal. It ensured the cooperation and assistance of Member States with the Tribunal and further strengthened its outreach and capacity-building activities in Rwanda. Trial proceedings continued to receive support from the various units and sections of the Judicial and Legal Services Division. The Division of Administrative Support Service sustained its work to ensure the efficient management of the Tribunal's downsizing process.

All organs of the Tribunal are ensuring their best efforts to complete the work of the Tribunal expeditiously and to prepare for a smooth transition to the International Residual Mechanism for Criminal Tribunals. The following efforts require essential cooperation and support of Member States: (a) three fugitives remain to be arrested; (b) five acquitted persons and three persons who have completed their sentences need countries for relocation; and (c) the Tribunal needs to be provided with sufficient resources to be in a position to complete its tasks within the expected time frame. The Tribunal relies on the ongoing support of Member States to achieve these goals.

Contents

		Page
I.	Introduction	5
II.	Activities of the Tribunal	5
	A. Activities of the President	5
	B. Activities of the coordination mechanisms	6
	C. Activity of the Chambers	7
	D. Activities of the Office of the Prosecutor	12
	E. Activities of the Registry	13
III.	Conclusion and recommendations	19

I. Introduction

1. The present seventeenth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994 outlines the activities of the Tribunal for the period from 1 July 2011 to 30 June 2012.

2. The Tribunal, through the Office of the President, the Chambers, the Office of the Prosecutor and the Registry, has continued its efforts to meet the goals of its completion strategy, as endorsed by the Security Council in its resolution 1503 (2003), with intense trial, referral and appeals activity and the drafting of judgements.

II. Activities of the Tribunal

3. As at 30 June 2012, the Tribunal consists of the Trial Chamber, the Appeals Chamber, the Office of the Prosecutor and the Registry. On 25 August 2011, Judge Vagn Joensen (Denmark) was elected Vice-President, and on 14 February 2012, in anticipation of the redeployment of President Khalida Rachid Khan (Pakistan) to the Appeals Chamber, Judge Joensen was elected President and Judge Florence Rita Arrey (Cameroon) was elected Vice-President.

A. Activities of the President

1. Judicial activity

4. During the reporting period, the President made decisions granting the early release applications of three convicted persons who had served more than three fourths of their sentences. The President also ordered the transfer of eight convicted persons to Member States for the enforcement of their sentences. The transfers will all have been completed by 1 July 2012.

5. The President also issued orders and decisions on a variety of other matters, including State cooperation, witness protection review and conditions for monitoring of referred cases. Notably, in the *Uwinkindi* case, which was referred to Rwanda pursuant to rule 11 bis of the Rules of Procedure and Evidence, the President issued a decision on 5 April 2012 clarifying the modalities for the monitoring of the case in Rwanda, including the interim use of staff of the Tribunal as monitors in order to avoid further delays in the transfer of Mr. Uwinkindi to Rwanda. The President also issued formal guidelines for Tribunal staff acting as monitors in referred cases on 29 June 2012.

2. Completion strategy

6. In close cooperation with the Prosecutor and the Registrar, the President has continued to implement the Tribunal's completion strategy. On 7 December 2011 and 7 June 2012, the President presented the six-monthly completion strategy reports to the Security Council. In the course of the reporting period, the Tribunal

issued five judgements at the trial level and seven judgements at the appeals level concerning a total of 17 accused. The work at the trial level is complete in all but one case, in which judgement is expected by the end of 2012.

7. Staff attrition remains a major impediment to the timely achievement of the goals of the completion strategy. Between 1 July 2011 and 30 June 2012, a total of 247 staff members left the Tribunal. This includes 14 staff members from Chambers, 57 from the Office of the Prosecutor and the remainder from the various sections of the Registry. The replacement of departing staff members is a lengthy process, which, even in a best-case scenario, would result in delays and could compensate for the continuing loss of institutional memory. The Security Council, in resolution 2054 (2012), reiterated its call upon the Secretariat and other relevant United Nations bodies to continue to work with the Registrar of the Tribunal in order to find practicable solutions to address the staffing situation.

8. The Security Council, in its resolution 1966 (2010) which established the International Residual Mechanism for Criminal Tribunals, requested the Secretary-General to make the practical arrangements necessary for the commencement of the Mechanism's operations. From February 2011, under the direction of the Office of Legal Affairs, the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda worked jointly to implement that mandate. The initial priority was to develop a budget proposal for the biennium 2012-2013 and draft rules of procedure and evidence. Both were successfully submitted to the Office of Legal Affairs by July 2011. The next steps focused on harmonizing the policies, procedures and operations of the two Tribunals, and initial provision by the International Criminal Tribunal for Rwanda of administrative services to the Mechanism. As a result of those efforts, the Arusha branch of the Mechanism was opened on 1 July 2012.

3. Diplomatic relations and other representation

9. The President maintained regular contact with United Nations Headquarters and with the diplomatic community in the host country in New York and in other countries. The United Nations Secretariat, and the Office of Legal Affairs in particular, provided important legal advice and diplomatic support to ensure smooth cooperation between the Tribunal, the Security Council and the General Assembly.

10. On the occasion of their briefings before the Security Council, both the President and the Prosecutor of the Tribunal participated in meetings of the Security Council Informal Working Group on International Tribunals. This allowed for comprehensive and open discussions with the legal advisers of the members of the Security Council.

B. Activities of the coordination mechanisms

1. Coordination Council

11. The Coordination Council, consisting of the President, the Prosecutor and the Registrar, met regularly to discuss issues affecting the entire Tribunal, such as the completion strategy, staffing, cooperation with the International Residual Mechanism and budgetary matters.

2. Bureau

12. The Bureau, which, during the reporting period, was composed of the President, the Vice-President and the presiding judges of the two Trial Chambers, was consulted by the President in regular meetings and through written exchanges on issues relating to the functioning of the Tribunal.

3. Plenary sessions

13. During the reporting period, the Tribunal's judges did not hold a formal plenary session, however, secret ballot elections for President and Vice-President were held twice during the reporting period (in August 2011 and February 2012) in lieu of plenary sessions.

4. Rules Committee

14. The Rules Committee submits or discusses proposals for amendments to the Rules of Procedure and Evidence. During the reporting period, the Committee was composed of judges Joensen (Chair), Bakhtiyar Tuzmukhamedov (Russian Federation) and Seon Ki Park (Republic of Korea) and assisted by legal officers from Chambers. For matters relevant to the general conduct of trials, the Committee sits in an extended format, supported by representatives of the Office of the Prosecutor and the Defence Counsel. The Committee met regularly to discuss the potential need for any further amendments to the rules as part of downsizing and worked, in close cooperation with the International Tribunal for the Former Yugoslavia, on providing comments to the draft rules of procedure and evidence of the International Residual Mechanism to the Office of Legal Affairs.

C. Activity of the Chambers

1. Composition of the Chambers

15. As of 30 June 2012, the Chambers comprise one Trial Chamber and one Appeals Chamber and are composed of 11 permanent judges and three ad litem judges.

16. One permanent judge and all ad litem judges are members of the Trial Chamber. One permanent judge, Dennis Byron (St. Kitts and Nevis) and seven ad litem judges, Emile Francis Short (Ghana), Arrey (Cameroon), Aydin Sefa Akay (Turkey), Lee Gacuiga Muthoga (Kenya), Park (Republic of Korea), Gberdao Gustave Kam (Burkina Faso) and Robert Fremr (Czech Republic), left the Tribunal after completion of their final cases.

17. Ten permanent judges sit on the Appeals Chamber. With the redeployment of judges Arlette Ramaroson (Madagascar), Khan and Tuzmukhamedov to the Appeals Chamber during the reporting period, five are now from the International Criminal Tribunal for Rwanda: Mehmet Güney (Turkey), Ramaroson (Madagascar), Andrésia Vaz (Senegal), Khan (Pakistan) and Tuzmukhamedov (Russian Federation). The five other permanent judges on the Appeals Chamber are from the International Tribunal for the Former Yugoslavia: Theodor Meron (United States of America) as presiding judge, Patrick Robinson (Jamaica), Fausto Pocar (Italy), Liu Daqun (China) and Carmel Agius (Malta).

18. The Trial Chamber is currently composed of judge/President Joensen (Denmark), judge William H. Sekule (United Republic of Tanzania) as permanent judge and judges Solomy Balungi Bossa (Uganda) and Mparany Rajohnson (Madagascar) as ad litem judges.

2. Principal activity of the Trial Chambers and the Appeals Chamber

(a) Trial Chamber I

19. The work before Trial Chamber I has been completed.

(b) Trial Chamber II

20. During the reporting period, Trial Chamber II delivered judgement in one case. One single-accused trial is awaiting closing arguments.

Judgement in *Bizimungu et al.* ("Government II")

21. On 30 September 2011, a Chamber composed of judges Khan, presiding, Muthoga and Short delivered judgement in the Government II case. The trial involved four Rwandan ministers during the genocide: Casimir Bizimungu, Justin Mugenzi, Prosper Mugiraneza and Jérôme-Clément Bicamumpaka. Mugenzi and Mugiraneza were convicted of conspiracy to commit genocide and direct and public incitement to commit genocide, and each was sentenced to 30 years of imprisonment. Bizimungu and Bicamumpaka were acquitted on all counts in the indictment, and their immediate release was ordered. In the course of the trial, the Chamber heard 171 witnesses over 404 trial days.

Ongoing trial in *Ngirabatware*

22. The case of Augustin Ngirabatware (former Minister of Planning) is being heard by a Chamber composed of judges Sekule, presiding, Bossa and Rajohnson. The case is currently in prosecution rebuttal stage, and the last prosecution rebuttal witness is expected to be heard on 2 July 2012. The Chamber has fixed 23 and 24 July for final arguments. The judgement is expected by the end of 2012.

(c) Trial Chamber III

23. During this reporting period, Trial Chamber III rendered four judgements. The work before this Trial Chamber is now complete.

Judgement in *Ndahimana*

24. On 17 November 2011, a Chamber composed of judges Arrey, presiding, Tuzmukhamedov and Akay delivered judgement in the case of Grégoire Ndahimana, a former *bourgmestre* of Kivumu commune in Kibuye prefecture. The Chamber sentenced Ndahimana to imprisonment for 15 years after finding him guilty of genocide and extermination as a crime against humanity. During the course of the proceedings, the Chamber heard 45 witnesses and issued 14 written decisions.

Judgement in *Karemera et al.*

25. On 21 December 2011, a Chamber composed of judges Byron, presiding, Kam and Joensen delivered judgement in the *Karemera et al.* case. The case involved

Édouard Karemera, former Vice-President of the National Republican Movement for Democracy and Development (MRND) and Minister of the Interior of the Interim Government, and Matthieu Ngirumpatse, former National Party Chairman of MRND and Chairman of its Executive Bureau. Karemera and Ngirumpatse were convicted of genocide, direct and public incitement to commit genocide, extermination, rape and sexual assault as crimes against humanity, and murder as causing violence to life, health and physical or mental well-being as serious violations of article 3 common to the Geneva Conventions and Additional Protocol II thereto. Each was sentenced to life imprisonment. The Chamber heard 153 witnesses over 374 trial days.

Judgement in *Nzabonimana*

26. On 31 May 2012, a Chamber composed of judges Bossa, presiding, Tuzmukhamedov and Rajohnson delivered judgement in the case against Callixte Nzabonimana, a former Minister of Youth. Nzabonimana was found guilty and sentenced to life imprisonment for the crimes of genocide, conspiracy to commit genocide, direct and public incitement to commit genocide and extermination as a crime against humanity. In the course of the trial, the Chamber heard 59 witnesses over 87 trial days.

Judgement in *Nizeyimana*

27. The Chamber composed of judges Muthoga, presiding, Park and Fremr delivered its judgement in the case of Captain Ildephonse Nizeyimana on 19 June 2012. The accused was the former second-in-command in charge of intelligence and military operations at the *École des sous-officiers* during 1994. He was sentenced to life imprisonment after being found guilty of genocide, extermination and murder as crimes against humanity and of murder as a serious violation of article 3 common to the Geneva Conventions and Additional Protocol II thereto. During the trial, the Chamber heard 84 witnesses over a period of 54 trial days.

Referral applications and other matters

28. On 22 February 2012, a referral chamber composed of judges Khan, presiding, Joensen and Kam granted the Prosecutor's application for referral of the case of the fugitive accused Fulgence Kayishema to Rwanda for trial. On 26 March 2012, a referral chamber composed of judges Joensen, presiding, Muthoga and Kam referred the case of the fugitive accused Charles Sikubwabo to Rwanda for trial. On 8 May 2012, a referral chamber composed of judges Joensen, presiding, Arrey and Park referred the case of the fugitive accused Ladislas Ntaganzwa to Rwanda for trial. In June 2012, referral chambers composed of judges Joensen, presiding, Arrey and Kam granted referral applications in the cases of fugitive accused Charles Ryandikayo (20 June), Aloys Ndimbati (25 June) and Phénéas Munyarugarama (28 June) to Rwanda for trial.

29. On 6 June 2012, a chamber composed of judges Muthoga, presiding, Park and Kam referred the case of Bernard Munyagishari to the courts of Rwanda for trial. This decision is under appeal.

30. On 18 June 2012, a trial chamber composed of judges Arrey, presiding, Park and Kam denied the claim for financial and other compensation, including compelling relocation, which had been filed by Protais Zigiranyirazo, a former

accused. The application, filed on 24 February 2012, sought $1,006,550 in compensation for Zigiranyirazo's eight and one-half year detention before his eventual acquittal by the Appeals Chamber and an order pursuant to article 28 of the statute of the International Tribunal compelling his relocation to Belgium.

31. Throughout the reporting period, hearings on the preservation of evidence pursuant to rule 71 bis took place in the cases against Félicien Kabuga, Protais Mpiranya and Augustin Bizimana. Judges Joensen, Arrey and Kam, respectively, were the single judges who heard testimony on the preservation of evidence in the three cases. In all three cases the prosecution and duty counsel for the defence presented evidence for preservation. All depositions were concluded by June 2012.

(d) Appeals Chamber

32. During the reporting period, the Appeals Chamber was seized of appeals from 13 judgements concerning 26 persons, 3 referral appeals, 3 interlocutory appeals and 12 motions for review or reconsideration. The Appeals Chamber rendered 7 judgements, 1 referral appeal decision, 3 interlocutory appeal decisions, 9 decisions related to review or reconsideration and 139 pre-appeal orders and decisions.

Appeal judgements: Munyakazi, Setako, Ntawukulilyayo, Bagosora and Nsengiyumva, Ntabakuze, Kanyarukiga, Hategekimana

33. Trial Chamber I convicted Yussuf Munyakazi, a former landowner and farmer, of genocide and extermination as a crime against humanity on 30 June 2010 and sentenced him to 25 years of imprisonment. The Appeals Chamber heard the parties' appeals on 28 March 2011. In its judgement of 28 September 2011, the Appeals Chamber affirmed Munyakazi's convictions and sentence.

34. Ephrem Setako, a former senior official of the Ministry of Defence, was convicted on 25 February 2010 by Trial Chamber I of genocide, extermination as a crime against humanity and serious violations of article 3 common to the Geneva Conventions and of Additional Protocol II thereto. Setako was sentenced to 25 years of imprisonment. The Appeals Chamber heard the parties' appeals on 29 March 2011. In its judgement of 28 September 2011, the Appeals Chamber affirmed Setako's convictions, entered an additional conviction for serious violations of article 3 common to the Geneva Conventions and of Additional Protocol II thereto and affirmed the sentence.

35. On 3 August 2010, Trial Chamber III convicted Dominique Ntawukulilyayo, a former *sous-préfet*, of genocide and sentenced him to imprisonment for 25 years. The Appeals Chamber heard Ntawukulilyayo's appeal on 26 September 2011. On 14 December 2011, the Appeals Chamber reversed Ntawukulilyayo's conviction for ordering genocide while affirming his conviction for aiding and abetting genocide. The Appeals Chamber set aside Ntawukulilyayo's sentence and imposed a new sentence of 20 years of imprisonment.

36. From 30 March through 1 April 2011, the Appeals Chamber heard appeals brought by Théoneste Bagosora, the former *directeur de cabinet* in the Ministry of Defence, and Anatole Nsengiyumva, the former Commander of the Gisenyi Operational Sector, with regard to the trial judgement rendered by Trial Chamber I on 18 December 2008. The Appeals Chamber rendered its judgement on

14 December 2011. It affirmed Bagosora's convictions for genocide, murder, extermination, persecution, rape and other inhumane acts as crimes against humanity and as serious violations of article 3 common to the Geneva Conventions and of Additional Protocol II thereto. The Appeals Chamber reversed his convictions for certain killings and set aside the finding that he was responsible for ordering certain crimes, finding him liable as a superior instead. In addition, the Appeals Chamber reversed a number of Bagosora's convictions for murder and for other inhumane acts as crimes against humanity. As a consequence, the Appeals Chamber set aside Bagosora's sentence of life imprisonment and imposed a sentence of 35 years of imprisonment. In respect of Anatole Nsengiyumva, the Appeals Chamber affirmed his convictions for genocide, extermination and persecution as crimes against humanity, and as serious violations of Article 3 common to the Geneva Conventions and of Additional Protocol II thereto in relation to certain killings. The Appeals Chamber reversed his convictions for other killings as well as his convictions for murder as a crime against humanity. In addition, the Appeals Chamber set aside the finding that Nsengiyumva was responsible for ordering certain killings, finding him liable as a superior instead. The Appeals Chamber considered that the reversal of nearly all of Nsengiyumva's convictions called for a revision of his life sentence and entered a new sentence of 15 years of imprisonment.

37. Aloys Ntabakuze, the former commander of a para-commando battalion of the Rwandan army at Kanombe Camp in Kigali, appealed the trial judgement rendered by Trial Chamber I on 18 December 2008. Because Ntabakuze's counsel was unavailable for the scheduled hearing of his appeal from 30 March through 1 April 2011, the Appeals Chamber heard his appeal on 27 September 2011. In its judgement of 8 May 2012, the Appeals Chamber affirmed his convictions for genocide, extermination and persecution as crimes against humanity and his conviction for violence to life as a serious violation of article 3 common to the Geneva Conventions and of Additional Protocol II thereto. The Appeals Chamber reversed Ntabakuze's convictions for preventing refugees from seeking sanctuary and for certain killings. The Appeals Chamber also reversed his convictions for murder as a crime against humanity and set aside the finding that he was responsible for the commission of crimes by militiamen. The Appeals Chamber considered that the reversal of some of Ntabakuze's convictions called for a revision of his life sentence and entered a new sentence of 35 years of imprisonment.

38. Gaspard Kanyarukiga, a former businessman, was convicted on 1 November 2010 by Trial Chamber II of genocide and extermination as a crime against humanity. He was sentenced to 30 years of imprisonment. The Appeals Chamber heard the parties' appeals on 14 December 2011. In its judgement of 8 May 2012, the Appeals Chamber affirmed Kanyarukiga's convictions and sentence.

39. On 6 December 2010, Trial Chamber II convicted Ildephonse Hategekimana, the former commander of the Ngoma Military Camp in Butare, of genocide, murder and rape as crimes against humanity and sentenced him to life imprisonment. After hearing the parties on 15 December 2011, the Appeals Chamber rendered its judgement on 8 May 2012, dismissing Hategekimana's appeal and affirming his sentence.

Further appeals from judgement

40. Deliberations are now in progress in the *Gatete* case in which the Appeals Chamber heard arguments in May 2012. The Appeals Chamber is also seized of appeals in the cases of *Ndindiliyimana et al.*, *Nyiramasuhuko et al.*, *Mugenzi and Mugiraneza*, *Ndahimana*, *Karemera and Ngirumpatse*, *Nzabonimana and Nizeyimana*. The briefing is in progress, and the cases are being prepared for hearings.

D. Activities of the Office of the Prosecutor

41. The Office of the Prosecutor has completed the hearing stage of all trials at first instance and judgement is awaited in the last case of Augustin Ngirabatware before Trial Chamber II. No further prosecutions are expected before the Trial Chamber of the International Criminal Tribunal for Rwanda. The applications by the Prosecutor for transfer of cases to Rwanda under rule 11 bis have succeeded with respect to two indictees in custody (Jean Uwinkindi and Bernard Munyagishari) and six fugitives (Fulgence Kayishema, Charles Sikubwabo, Ladislas Ntaganzwa, Charles Ryandikayo, Aloys Ndimbati and Phénéas Munyarugarama). This leaves the cases of the three top level fugitives (Félicien Kabuga, Protais Mpiranya and Augustin Bizimana) earmarked for trial before the International Residual Mechanism.

42. The Prosecutor has also completed rule 71 bis evidence preservation proceedings against the three top level fugitives and the files in these cases are ready for prosecution by the Residual Mechanism upon their arrest. The Prosecutor has additionally completed the preparation of the case files for all of the other fugitives earmarked for transfer to national jurisdictions. Pursuant to the orders for their transfer to Rwanda, the Office of the Prosecutor has handed over the completed dossiers in order to facilitate their early indictment, trial and judgement before the Rwandan High Court.

43. Further to the above-mentioned transfers, the Prosecutor has appointed a monitor for the case of Jean Uwinkindi, who is currently on trial before the High Court in Rwanda. Additional monitoring arrangements will be made in respect of the other transferred cases as they come up for trial in Rwanda. The Prosecutor also continued to monitor the two cases referred to France for trial in 2007 (*Munyeshyaka* and *Bucyibaruta*).

44. The Office of the Prosecutor has intensified efforts to track the remaining fugitives and in this regard has sought support from regional organizations in eastern and southern Africa. Active consultations with INTERPOL and with Member States elsewhere have also assisted in narrowing the search for the three fugitives, although cooperation with some Member States, in particular Zimbabwe and Kenya, continues to be slow. In the meantime, cooperation with Rwanda with regard to tracking of fugitives has intensified.

45. In addition, during the reporting period, 12 appeals in 8 cases were brought to completion and 29 other appeals in 9 other cases remain in active litigation. With the completion of trials at first instance, the Prosecution's core focus shifted to the completion of appeals, the tracking of fugitives and the provision of assistance to national prosecuting authorities.

46. Pursuant to the appointment of the three principals of the International Residual Mechanism early in 2012, preparations for the establishment of the various structures and engagement of Mechanism staff accelerated, and modalities for a smooth transition to the Arusha branch of the Mechanism have been put in place. Significant progress has also been made in the archiving of the Prosecutor's evidentiary holdings and records for transfer to the Mechanism upon its inception. The demand for provision of assistance to national prosecuting authorities in respect of cases being investigated or prosecuted by them also continued to grow.

E. Activities of the Registry

1. Office of the Registrar

47. The Office of the Registrar continued to act both as the channel for communication between the organs of the Tribunal and its diplomatic arm. As such, the Office maintained high-level diplomatic contacts with Member States, international organizations and non-governmental organizations. During the reporting period, the Office transmitted more than 309 notes verbales and other correspondence related to the operations of the Tribunal, including, in particular, correspondence to secure support and cooperation from Member States with respect to ongoing trials. The Registry dealt with an increased number of inquiries and requests for legal assistance from national jurisdictions.

48. Rwanda continued to cooperate with the Tribunal by facilitating the flow of witnesses from Kigali to Arusha and by providing relevant documents for use in trial proceedings.

49. The Office of the Registrar emphasized the historic importance of a successful transition to the Residual Mechanism, particularly the key functions: enforcement of sentences; witness protection and support; archives; the Tracking Unit; and maintaining the capacity of the Tribunal to carry out its own activities and to complete the remaining trials and appeals. The Office continues to provide all assistance required to ensure the timely commencement of these operations and the successful discharge of the mandate of the Mechanism.

50. On 27 July 2011, the Tribunal transferred one convicted person (Emmanuel Rukundo) to Mali to serve the remainder of his sentence and it will transfer a further four (Yusuf Munyakazi, Théoneste Bagosora, Tharcisse Renzaho and Dominique Ntawukulilyayo) on 1 July 2012. Seven convicted persons were transferred to Benin to serve the remainder of their sentences during the reporting period (Siméon Nchamihigo, Ephrem Setako and Simon Bikindi on 20 March 2012 and Aloys Ntabakuze, Ildephonse Hategekimana, Gaspard Kanyarukiga and Callixte Kalimanzira on 29 June 2012).

51. The President and Registrar continue to deploy all efforts to find host countries for the five acquitted persons and three persons who have completed their sentences who remain in the safe houses in Arusha under the protection of the Tribunal. In light of the imminent closure of the Tribunal, the insufficient level of voluntary Member State cooperation and the human rights implications of the delayed relocation of acquitted persons, the Tribunal, even given the assistance provided by the United Nations High Commissioner for Refugees (UNHCR), continues to call for the help of Member States in finding a sustainable solution to this issue.

52. The External Relations and Strategic Planning Section was successful in raising voluntary contributions to the Trust Fund, enabling the Tribunal to carry out its capacity-building and outreach activities. Those activities form an important part of the Tribunal's mandate and legacy and are a vital tool for bridging the information gap between the Tribunal and the people of Rwanda at the grass-roots level.

53. The Tribunal welcomed a total number of 3,076 visitors, including high-level United Nations and Government officials and academics and representatives of civil society and non-governmental organizations as well as the general public. During the reporting period, in spite of the downsizing, the Tribunal attracted a higher number of visitors than previously. In addition, more than 500,000 individuals visited the Tribunal's website over the same period.

54. The Information and Documentation Centre in Kigali (Umusanzu) and 10 additional provincial information centres located across Rwanda continue to play a key role in information dissemination, improved communications and access to the jurisprudence of the Tribunal and other legal materials. The centres are visited daily by members of the Rwandan judiciary, students, researchers and the public who are provided with informative materials and with access to briefings, training, library services, video screenings and the Internet. During the reporting period, the information centre in Kigali received approximately 38,000 visitors, while the provincial information centres received approximately 20,000 visitors.

55. During the reporting period, the Tribunal engaged in several outreach activities. The Tribunal continued to follow up on its youth sensitization and genocide prevention project in the Great Lakes Region by distributing a total of 20,000 copies of its cartoon books in Burundi, Kenya, Rwanda, Uganda and the United Republic of Tanzania. The books, distributed through the United Nations offices, were sent to primary and secondary schools. The Tribunal also organized exhibitions and presented talks on its works in Nairobi, Dar es Salaam and Kigali.

56. Additionally, the Tribunal, in collaboration with the National Commission for the Fight against Genocide, conducted an exhibition in commemoration of the eighteenth anniversary of the Rwandan genocide from 4 to 6 April 2012. From February to March 2012, with funds from the Department of Public Information in New York, awareness-raising programmes for lessons learned from the genocide of 1994 were successfully conducted in 13 major secondary schools throughout Rwanda. Approximately 8,300 students attended. From 7 to 20 May, with the same funding, the programme was extended to five major prisons in different parts of the country. The programme was attended by 34,200 inmates and officials.

57. The Tribunal undertook capacity-building activities for about 100 legal professionals in Rwanda, with the aim of further strengthening the justice sector in areas such as investigation, witness protection, evidence and information management and oral and written advocacy skills. Those activities were intended, inter alia, to equip the Rwandan judiciary with the necessary tools to take up cases that may be referred from the Tribunal. Some examples of the many initiatives that the Tribunal conducted are online legal research training for law students and two related training programmes for members of the Rwandan Military Court. In August 2011, a training workshop was organized for the judges of the Rwanda Military Tribunal. Thirteen judges, including the Vice-President of the Court, engaged in the exercise. In February 2012, 60 students from the Law Faculty of Kigali Independent

University attended a workshop at the Tribunal's Information and Documentation Centre in Kigali. In March 2012, 15 senior prosecutors from the National Public Prosecution Authority of Rwanda attended a workshop on legal research methodology conducted by the staff of the External Relations and Strategic Planning Section at the Rwandan Supreme Court in Kigali.

58. The communication cluster of the Section has ensured the wide dissemination of information about the Tribunal's activities through press meetings, newsletters and press releases as well as through the use of its website and films and information brochures in English, French and Kinyarwanda. The cluster has also processed numerous local and international media enquiries and broadcast trial proceedings by satellite. It launched exhibitions on the work of the Tribunal in several cities in East Africa, including Arusha, Dar es Salaam, Nairobi, Kampala and Kigali. At these events, film screenings, talks and discussions on the work of the Tribunal were held. Open lines of communication are maintained with universities and other educational institutions in the region.

59. With the completion strategy nearing its end, voluntary contributions to the Tribunal have declined. The gender focal point has continued to reach out to Member States in order to replenish the depleted Trust Fund for the Support Programme for Witnesses. The Spanish Government once again made a voluntary contribution to the programme. The programme continued to provide physical and psychological care to witnesses residing in Rwanda and, in particular, antiretroviral drugs for those living with HIV/AIDS. The programme continues to be implemented through the Witnesses and Victims Support Section's dedicated clinic located in Kigali.

60. The internship programme welcomed 215 interns to the Tribunal during the reporting period: 180 interns were assigned to the Chambers and the Office of the Prosecutor while the rest were assigned to non-legal sections of the Tribunal. In addition, 14 pro bono legal researchers provided expert legal support to the Chambers and the Office of the Prosecutor. As a result of budgetary constraints, the legal researchers programme previously funded by the Tribunal did not host any candidates during the reporting period. External funding for the programme is being sought. The two programmes continue to provide support to the Tribunal in implementing its completion strategy, especially in the face of the ongoing staff downsizing exercise.

61. The Legal Services and Internship Programme Unit also continued to play an important legal advisory role for issues pertaining to the proper implementation and interpretation of United Nations administrative rules, cases relating to the immunities and privileges of staff regarding civil and criminal cases and interpreting and reviewing agreements. During the reporting period, the Unit mediated and settled 13 cases between staff members and local law enforcement, as well as cases involving domestic employees.

2. Judicial and Legal Services Division

62. The Court Management Section provided support services to the judicial processes of the Tribunal, including provisions of real-time transcripts of proceedings, support for site visits to Rwanda, certification of witness statements, depositions and video-link hearings from various countries. As part of its role in the capacity-building and outreach activities of the Tribunal, the Section continued to

conduct training sessions for representatives of a number of African countries, including demonstrations of the Tribunal's system for the instantaneous production of transcripts and the management of judicial records. As a major component of the Tribunal's preparations for the transition to the Residual Mechanism, the Section contributed to drafting the policies and guidelines for the filing of documents as well as management of records and archives to be transferred to the Mechanism. It also continued its work on the preparation of judicial records for transfer to the Mechanism and the redaction of the audiovisual recordings of the Tribunal's proceedings.

63. The Defence Counsel and Detention Management Section continued to provide essential and improved support services to detainees, suspects, prisoners, Counsel, the Registry, the Chambers and the Prosecutor on all stages of procedure. Much of this work covered appeals and pretrial processes (deposition hearings and referrals).

64. During the reporting period, judgements were rendered with respect to 17 detainees by the Trial and Appeals Chambers of the Tribunal. Two detainees were released upon acquittal and one was released upon being granted early release. Over the same period, the United Nations Detention Facility accommodated 13 detained witnesses who were called to testify in various trials.

65. As of 30 June 2012, a total of 19 inmates were detained at the Detention Facility (17 awaiting appeal judgements, 1 pending appeal of referral and 1 on trial).

66. During the reporting period, the Witness and Victims Support Section ensured the timely availability of 96 witnesses from 15 countries. Threat assessments were conducted for some witnesses. In accordance with protective measures ordered by the Chambers, transcripts were redacted to expunge identifying information concerning witnesses or their family members prior to the transcripts being made public. The Section has intensified its post-trial monitoring activities in the countries of residence of witnesses who appeared before the Tribunal. Several witnesses residing in Rwanda received assistance in order to improve their medical and psychological rehabilitation. The Section enjoyed the cooperation of several Member States, which issued temporary travel documents enabling witnesses to travel to and from Arusha, as well as the cooperation of the offices of UNHCR in a number of African countries, which assisted in facilitating the movement and protection of witnesses. Some Member States also provided assistance in escorting witnesses. On the basis of the Section's recommendations, the Trial Chambers ordered the lifting of protective measures no longer necessary in relation to eight deceased single witnesses. The review of witness protection orders is still ongoing. The Section is at the final stage of preparation for the handing over of witness-related materials (electronic database, hard-copy individual files and case binders) to the Residual Mechanism in relation to 57 completed cases before the Tribunal.

67. The Language Services Section provided interpretation, translation and reproduction services to the Chambers, the parties and the Registry. During the reporting period, 11 trial judgements, 6 appeals judgements, a significant number of decisions and other documents such as pretrial briefs, closings briefs and motions were received for translation. This included one judgement totalling more than 2,700 pages. The roster of translators, interpreters and proofreaders established with a view to preempting any potential disruption of trials was kept in place. In addition, documents for translation were outsourced and freelance revisers were recruited to alleviate the heavy workload of the Section.

68. The Legal Library and Reference Unit continues to play a key role in delivering legal materials needed to support the judicial process and to respond to the increasing demand from outside for access to the resources and jurisprudence of the Tribunal. In addition, the Legal Library released and distributed the 2011 versions of the Tribunal's Basic Documents and Case Law DVD and CD-ROM worldwide, most particularly in Rwanda. The Legal Library is currently updating the CD/DVD/website with 2012 documents.

69. In the context of the legacy of the Tribunal and the transition to the Residual Mechanism, the Legal Library has compiled a special bibliography containing most of the relevant literature on the work of the Tribunal, which will serve as a reference tool for researchers and future generations.

70. The Legal Library and Reference Unit set up two libraries in the Tribunal's prison quarters in Benin and Mali. The libraries are intended to provide opportunities for self-empowerment and education for the prisoners.

3. Division of Administrative Support Services

71. The process of downsizing continued to pose major challenges to the operations of the Tribunal. The Division of Administration Support Services continued to respond to those challenges in a proactive and flexible manner.

72. The staff members of the Tribunal come from 68 countries. As at 30 June 2012, the Tribunal had 524 staff members against an authorized complement of 562 posts, with 38 vacant posts — a 7 per cent vacancy rate. The gender ratio of staff is 60 per cent male and 40 per cent female.

73. During the downsizing phase, attracting and retaining competent staff continues to pose a major challenge. The short duration of contracts issued to current staff members has contributed to increased uncertainty and has continued to have a negative impact on productivity. In addition, it has proven difficult to attract qualified candidates for short-term contracts. It should be noted that the current limitations to temporary appointments has the potential of impacting negatively on the completion strategy. In parallel, the consultative staff retention exercise continues to be conducted in order to determine the number and composition of staff to be retained until the completion of the Tribunal's work. The Tribunal's management is consulting with the Office of Human Resources Management with the aim of instituting flexibility measures to address these recruitment and staffing concerns.

74. The Career Resource Centre is still organizing career development workshops and training programmes to support staff in their professional aspirations. The Human Resources Planning Section continues to actively assist staff leaving the Tribunal. As part of its completion strategy and archiving measures to be undertaken by the Tribunal, a workshop on the management and disposal of records for senior management and their focal points within the Tribunal was held in May 2012. Other training programmes and workshops include the justice rapid response certification workshop and a training programme on résumé writing and interviewing skills, both held in April 2012. A senior management retreat was held in March 2012 with the primary aim of re-evaluating the measures and steps necessary to successfully implement the completion strategy, namely the completion of the remaining judicial work of the Tribunal, a review of the ongoing downsizing processes and staff

separations and the strategies and policies related to the transition to the Residual Mechanism and the implementation of Security Council resolution 1966 (2010). The Section also continues to provide advice to staff members and judges on their final entitlements and on the implications of new contractual arrangements and staff rules.

75. With regard to the assisting with the opening of the Arusha branch of the Residual Mechanism, the Section is working very closely with counterparts at the Tribunal to recruit candidates for posts at the Mechanism and several offers of appointment have already been sent in anticipation of its launch on 1 July 2012.

76. The Security and Safety Section continued to support the actions of the Tribunal to ensure the safety and security of its staff, premises, assets and operations through implementation of the policies of the United Nations security management system. Close collaboration was promoted with the authorities of the host Government in Rwanda and the United Republic of Tanzania. The Section continued to monitor security trends and to ensure appropriate measures against threats existing in the operating environment. The Section contributed to planning activities for the commencement of the Residual Mechanism in accordance with arrangements agreed upon between the Tribunal and the Mechanism.

77. The Information Technology Services Section improved its services to cope with the effects associated with the Tribunal's completion strategy. New infrastructure and office systems were set up for the Arusha branch of the Mechanism. A new information technology service centre has been created for improved service delivery and there has been improved collaboration among all of the organs with a mutual objective of the provision of centralized information technology services. A court management system funded by the Government of Germany was installed at the Rwandan High Court, and the Tribunal continued to provide video teleconference services to other tribunals. The Electronic Data Processing Unit maintains the information and technology infrastructure of the Tribunal, supporting and meeting the computing needs of various business units. During the reporting period, a number of business process systems were brought online that added efficiency and effectiveness to standard administrative procedures throughout the Tribunal. The Audiovisual Unit provides video coverage of all court proceedings and videoconferencing services for remote witness testimonies and meetings. The Telecommunications Unit supports the operation and maintenance of the telephone network, two satellite earth stations, rural telephone links and two 2-way radio networks as well as the telephone billing and switchboard operator services.

78. The Health Services Unit provided curative, preventive and trauma counselling support and performed medico-administrative duties for judges and staff members and their dependants, as well as for detainees, witnesses and victims. The Unit monitored clients' health through four subunits: two in Kigali and two in Arusha. In Kigali, witnesses received a full medical check-up and medical care before transfer to Arusha for testimony. In Arusha, the United Nations Detention Facility subunit cared for detainees, prisoners and prisoner-witnesses. At the headquarters clinic, clients received medicines, laboratory services and immunizations free of charge. HIV awareness, voluntary counselling and testing, condom distribution, initiation of antiretroviral treatment and follow-up for positive cases continue to be important activities at the headquarters clinic.

79. The Career Development and Counselling Unit provides a spectrum of services covering staff training and coaching, counselling and welfare services. The strategic direction has been towards providing support to staff and families in the transition related to downsizing, relocation and outplacement. These activities included supervisory skills training for managers, training on résumé writing, interview skills, using Inspira, language and computer skills training, interview coaching sessions and stress counselling and change management coaching sessions, as well as the provision of a Fitness Centre and Career Resource Centre and psychosocial support for staff, especially during check-in and check-out processes.

80. In the area of resources management, the Budget and Finance Section continued to provide expertise on proper planning, control and monitoring of the use of available resources and timely and reliable services to staff members and clients of the Tribunal.

81. The General Services Section and the Procurement Section provided vital support to the Tribunal. To ensure more effective support, procurement has now been brought under the control of the Chief of the General Services Support Section. In line with the completion strategy, the Building Management Services continued to relocate surplus accommodation containers from Kigali to Arusha for use as offices, thus allowing for the return of some regular rental space to the landlord. The unit has also been instrumental in the relocation of the Budget and Finance and the Human Resources Planning Sections to make way for the offices of the Residual Mechanism. With the introduction of the Galileo Inventory Management System, Asset Management Services has improved the processes for receiving and inspecting goods purchased by the Tribunal. The unit has also accelerated the disposal of old and obsolete property. The warehouse facility at the United Nations Detention Facility has served as a central point for commercial disposal of written-off assets. In line with the completion strategy, the Transport Services Unit has outsourced its vehicle maintenance and repairs services. In Kigali, it has been exploring the use of fuel cards as a means of streamlining fuel usage. The Central Registry/Mail/Pouch and Archives Services continued to provide services to the Tribunal. The Central Archives Facility continued archiving records generated by sections/units of the Division and scanning and entering metadata into the Tower Records Information Management database. A functional archiving structure was established for the records of the Division of Administrative Support Services in Kigali. The Procurement Section continued to ensure that the goods and services required by the Tribunal were provided on time and within budget. It also worked closely with units such as the Transport Services Unit and Building Management Services to outsource services where possible. The Section also continues to undertake the commercial disposal of the Tribunal's furniture, vehicles and equipment.

III. Conclusion and recommendations

82. In the past year the Tribunal has made significant achievements towards the achievement of the completion strategy in the face of a very high workload: five trial judgements representing nine accused were delivered during this time. At the trial level, delivery of the judgement in the final remaining case is expected by the end of 2012. The reporting period has also marked a significant shift in the Tribunal's focus with respect to both judicial and administrative activities. In

December 2011, as projected, the Tribunal completed its final multi-accused trial and the Appeals Chamber upheld the decision to refer the first Tribunal case to Rwanda for trial. Since then, the focus on referrals has been significant — a further six cases of fugitives accused have been referred to Rwanda, and the case of the final accused in Tribunal custody was referred to Rwanda and is currently pending appeal.

83. State cooperation remains the cornerstone for the ability of the Tribunal to complete its mandate. The Tribunal appreciates the continued trust and support of Member States and it has continued to work in close cooperation with them on the arrest of the remaining fugitives who have evaded justice for nearly two decades.

84. We reiterate the call for urgent action to help find host countries for the five acquitted persons who remain in a safe house in Arusha under the Tribunal's protection, as well as for the three convicted persons in Arusha who have completed serving their sentences. For some of those individuals, it has been several years since the confirmation of acquittal by the Appeals Chamber. The Tribunal remains concerned about the consequences of failing to fulfil its obligation to relocate acquitted persons and those who have completed their sentences. In this respect, the President and Registrar have redoubled their efforts to find States for relocation.

85. Finally, maintaining an adequate level of experienced staff remains a challenge for the Tribunal as an organization facing pending closure. The Tribunal appreciates all of the support and the efforts of Member States to address this situation, which have produced some improvements. It is, however, necessary to note that any further staff attrition could cause further delays.

86. In its final months, by working closely with the Residual Mechanism and by sharing best practices for closure with other international legal institutions, the Tribunal will continue to ensure that knowledge gained and lessons learned are put to good use in order to ensure a smooth transition. Our efforts at capacity-building and education for the region will remain strong, so that the Tribunal's impact will not only be challenging impunity, but also helping to improve the means to dispense justice for an entire region. As the Tribunal draws ever closer to the completion of its work and the Residual Mechanism opens its doors, it once again calls upon the international community to provide the support and resources necessary to achieve the timely completion of its mandate.